

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>ASHA SMITH, Individually and On Behalf of All Others Similarly Situated v. UNIVERSITY OF PENNSYLVANIA</b>	: : : : : :	<b>CIVIL ACTION     NO. 20-2086</b>
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**ORDER**

**NOW**, this 20th day of April, 2021, upon consideration of Defendant University of Pennsylvania's Motion to Dismiss the Amended Complaint (Document No. 26), the plaintiffs' response (Document No. 31), the defendant's reply (Document No. 33), and after oral argument, it is **ORDERED** that the motion is **GRANTED** in part and **DENIED** in part.

**IT IS FURTHER ORDERED** Counts I, II, IV and V are dismissed **WITH PREJUDICE**.

/s/ Timothy J. Savage  
TIMOTHY J. SAVAGE, J.